

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Michael A. Jestus,
Debtor,

Case No.: BKY 04-43115
Chapter 7

Kimberly Jestus,
Plaintiff

Adv. 04-4244

and

ANSWER

Michael A. Jestus

Defendant.

Debtor/Defendant, as and for his Answer to Plaintiff's complaint, states as follows:

- 1 That he admits the allegations contained in paragraph 1, 2, 3, and 5.
- 2 He denies the allegations contained in paragraph 4 and asserts that his schedules are accurate, and that all appropriate parties have been notified of debtor's bankruptcy.
- 3 Debtor denies the allegations contained in paragraph 6, that Debtor was intoxicated at the time of the death of Grant Allen, Jestus and he denies that intoxication had anything to do with the death of Grant Allen Jestus. Further, Plaintiff is aware that Defendant was not intoxicated at the time of the death of Grant Allen Jestus, and she knows that he was never charged or tried for an intoxication related death. Plaintiff knows that these baseless allegations will increase and exacerbate the costs of this case.
- 4 He admits the allegations contained in paragraph 7, that he was ordered as part of a property settlement to pay Plaintiff \$1545.52, however he denies that it was anything other than a property settlement, and he denies that this debt is in any way affected by 11 USC 523(a)(5).
- 5 Debtor denies those allegations contained in paragraph 8, and affirmatively alleges that they are nonsensical and indefensible. If the Plaintiff is alleging that she would prevail in a balancing test under 11 U.S.C. (a)(15), debtor denies the same and affirmatively alleges that Plaintiff earns \$300.00 more per month than debtor, receives child support and medical expenses from Debtor, lives with a forklift operator who shares living expenses, lives in a home gifted to her by her grandparents, and receives a tax free inheritance of \$20,000.00 per year, putting her in a significantly better position than the Debtor.

Wherefore, Debtor/Defendant alleges as follows:

- 1 That Plaintiff's claim be dismissed.
- 2 That Plaintiff and counsel be ordered to assume and pay Debtor's attorney fees and costs pursuant to Bankruptcy Rule 11 and 28 U.S.C. 1927.

Dated; 9/22/04

/e/ Barbara J. May
Barbara J. May
4105 N. Lexington #310
Arden Hills, MN 55126
651-486-8887
Attorney Reg 129689

STATE OF MINNESOTA)

Case No. 04-4244

COUNTY OF RAMSEY)

Barbara J. May, under penalty of perjury, says that on the 22d day of September, 2004, she served via US Mail, the Debtor's Answer to Plaintiff's Complaint.

U.S. Trustee
1015 U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Richard Pearson
448 Old Highway 8
New Brighton, MN 55112

Michael Marks
Suite 1100, Pillsbury Center
200 S. 6th St.
Mpls, MN 55402

/e/ Barbara J. May

Barbara J. May